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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

CARL DONALD THOMPSON,
Plaintiff,
v.
ANDREW SAUL,
Commissioner of Social Security
Defendant

Case No. 2:20-cv-0003-KJN

STIPULATION AND ORDER FOR THE
AWARD OF ATTORNEY FEES UNDER
THE EQUAL ACCESS TO JUSTICE ACT
(EAJA)
28 U.S.C. § 2412(d)

ANDREW SAUL,
Commissioner of Social Security,
Defendant.

TO THE HONORABLE KENDALL J. NEWMAN, MAGISTRATE JUDGE OF
THE UNITED STATES DISTRICT COURT:

The Parties through their undersigned counsel, subject to the Court's approval, stipulate that Plaintiff be awarded attorney fees in the amount of NINE THOUSAND, DOLLARS and 00/100 (\$9,000.00) under the Equal Access to Justice Act (EAJA), 28 U.S.C. § 2412(d). This amount represents compensation for all legal services rendered on behalf of Plaintiff by counsel in connection with this civil action, in accordance with 28 U.S.C. § 2412(d).

After the Court issues an order for EAJA fees to Plaintiff, the government will consider the matter of Plaintiff's assignment of EAJA fees to counsel. Pursuant to *Astrue v. Ratliff*, 560 U.S. 586, 598, 130 S.Ct. 2521, 177 L.Ed.2d 91 (2010), the ability to honor the assignment will depend on whether the fees are subject to any offset allowed under the United States Department of the Treasury's Offset Program. After the order for EAJA fees is entered, the government will determine whether they are subject to any offset.

Fees shall be made payable to Plaintiff, but if the Department of the Treasury determines that Plaintiff does not owe a federal debt, then the government shall cause the payment of fees, expenses and costs to be made directly to counsel, pursuant to the assignment executed by Plaintiff. Any payments made shall be delivered to Plaintiff's counsel, Meghan O. Lambert at 521 Cedar Way, Suite 200, Oakmont, Pennsylvania 15139.

This stipulation constitutes a compromise settlement of Plaintiff's request for EAJA fees, and does not constitute an admission of liability on the part of Defendant under the EAJA. Payment of NINE THOUSAND DOLLARS and 00/100 (\$9,000.00) in EAJA attorney fees. These payments shall constitute a complete release from, and bar to, any and all claims that Plaintiff and Plaintiff's attorney, Meghan O. Lambert, may have relating to EAJA attorney fees in connection with this action.

This award is without prejudice to the rights of Plaintiff's attorney to seek Social Security Act attorney fees under 42 U.S.C. § 406(b), subject to the savings clause provisions of the EAJA.

Respectfully submitted,

Dated: 6/16/2021

/s/ Meghan O. Lambert
MEGHAN O. LAMBERT
Attorney for Plaintiff

Dated: 6/16/2021

PHILLIP A. TALBERT
United States Attorney
DEBORAH LEE STACHEL
Regional Chief Counsel, Region IX
Social Security Administration

By: Carol S. Clark
CAROL S. CLARK
Special Assistant U.S. Attorney
Attorneys for Defendant
(*Permission to use electronic signature
obtained via email on June 16, 2021).

SO ORDERED:

Dated: June 21, 2021

Kendall J. Newman
KENDALL J. NEWMAN
UNITED STATES MAGISTRATE JUDGE

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